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Cont.

b) transmission acquisition means to provide for receiving the signals sent out by each of the portable monitoring devices;

c) bodily signal reference creation means to provide for creation of a bodily signal reference as detected by the monitoring means; and

d) storage means to provide for an archival retention within a database of at least a series of bodily signal references of each of the portable monitoring devices of the monitoring system.

In claim 4, line 2, delete "further".

In claim 5, line 2, delete "further".

In claim 6, line 2, delete "further".

In claim 7, line 2, delete "further".

In claim 8, line 2, delete "further".

In claim 9, line 2, delete "further".

In claim 12, line 20, change "portable monitoring device" to --monitored person--.

In claim 15, line 1, change "comprises" to --comprising--.

REMARKS

CURRENT STATUS OF THE CLAIMS

Claims 1 - 23 are pending in the application.

35 U.S.C. 102 Rejections

Claims 1 and 5 were rejected under 35 U.S.C. 102(a) as being anticipated by Bieback.

35 U.S.C. 103 Rejections

Claims 4 and 6 - 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bieback.

Claims 10 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bieback in view of Hoshen.

Claims 2, 17 and 18 were rejected under 35 U.S.C. 103(a) as being

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unpatentable over Hoshen in view of Lemelson et al.

35 U.S.C. 112 Objections

Claims 4 - 9 and 12 - 16 were objected to under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Additionally, claims 1 - 11, 15 and 16 were objected to because of various informalities.

Allowable Subject Matter

The Examiner states that claims 19 - 23 are allowed.

The Examiner states that claim 3 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner states that claims 12 - 16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, including the objections to claims 15 and 16.

Oath or Declaration

The Examiner states that the oath or declaration is defective because the date of the parent application is erroneous.

Abstract of the Disclosure

The Examiner states that the Abstract should reflect what is new.

Disclosure

The disclosure was objected to because of various informalities.

APPLICANT'S REVIEW OF PRIOR ART

Applicant has amended the claims, including canceling independent claim 17, wherein the currently pending claims have all been indicated by the Examiner as being allowable. Therefore applicant will not address the prior art references as they are not relevant to the pending claims.

AMENDMENT OF THE CLAIMS

The original application was filed with four (4) independent claims, (1, 12, 17 and 19), and a total of 23 claims. Following cancellation of claims 2, 3, 17 and 18, (including independent claim 17), there now remain three (3) independent claims pending in the application, (1, 12 and 19), and a total of nineteen claims.

Claim 1 has been amended to more particularly point out and distinctly claim the subject matter which applicant regards as the invention including correction of the informality noted by the Examiner and to include all of the limitations of dependent claims 2 and 3, a combination which the Examiner indicated is allowable. Removal of the objection to claim 1 is respectfully requested. Allowance of claim 1, and dependent claims 10 and 11, is respectfully requested.

Claims 2 and 3 have been canceled.

Claims 4 - 9 have been amended to more particularly point out and distinctly claim the subject matter which applicant regards as the invention as suggested by the Examiner. Removal of the rejection under 35 U.S.C. 112, second paragraph, is respectfully requested. Allowance of claims 4 - 9 is respectfully requested.

Claim 12 has been amended to more particularly point out and distinctly claim the subject matter which applicant regards as the invention as suggested by the Examiner. Removal of the rejection under 35 U.S.C. 112, second paragraph, is respectfully requested. Allowance of claim 12, and dependent claims 13 and 14, is respectfully requested.

Claim 15 has been amended to more particularly point out and distinctly claim the subject matter which applicant regards as the invention as suggested by the Examiner. Removal of the objection to claim 15 and 16 is respectfully requested. Allowance of claims 15 and 16 is respectfully requested.

THE DECLARATION

The declaration was defective due to applicant's recitation of an erroneous filing

date of the parent application, (applicant recited the 11th instead of the correct 10th).

Please find enclosed a newly executed Declaration, PTO/SB/01, two pages, which properly recites the filing date of the parent application and includes the parent Patent number. Please enter this substitute declaration in the application.

While the Examiner failed to address the issue of a waiver of the surcharge typically required for submission of a Declaration after initial filing, typically such surcharge is waived if the initial filing was clearly a bona fide attempt to comply, which it obviously was. Based upon applicant's assumption of a waiver no surcharge fee is included with this filing. If it is determined that such fee is required applicant will submit such fee when so advised.

Applicant erroneously used the one day later filing date in all communication with the Patent Office in the parent application without comment by the Patent Office including two amendments, submission of corrected drawings and payment of the issue fee. Applicant apologizes for any inconvenience (both during prosecution of the parent application as well as during this continuation-in-part application) which such erroneous usage may have caused.

THE ABSTRACT

The abstract of the disclosure was objected to because of various informalities. Suitable correction has been made in accordance with suggestions made by the Examiner. Applicant has rewritten the abstract of the disclosure. Applicant feels that no new matter has been introduced. Removal of this objection is respectfully requested.

THE DISCLOSURE

The disclosure was objected to because of various informalities. Suitable correction has been made in accordance with suggestions made by the Examiner. Removal of these objections is respectfully requested.

Applicant has reviewed the specification, as suggested by the Examiner, and

has failed to find any errors not previously discovered by the Examiner.

SUMMATION

Applicant believes that all corrections required by the Examiner have been made. If any irregularities remain, applicant hopes that such additional correction may be made with an Examiner's amendment following a telephonic communication between the Examiner and applicant at applicant's telephone number below.

In view of the above, reconsideration and allowance of the amended claims is respectfully solicited.

The Examiner's cooperation, suggestions and assistance has been greatly appreciated.

Respectfully submitted,

 6/16/2000
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